

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION**

ELI DANIEL BOSWORTH, # 412358

PLAINTIFF

v.

CAUSE NO. 1:18CV407-LG-RHW

**KENNETH CUNNINGHAM and
ANGELA L. FRENCH**

DEFENDANTS

ORDER OF DISMISSAL WITHOUT PREJUDICE

This matter is before the Court *sua sponte*. *Pro se* Plaintiff Eli Daniel Bosworth initiated this action on December 26, 2018. At the time, he was a pretrial detainee at the Harrison County Adult Detention Center.

On March 28, 2019, the Court ordered Bosworth to respond to an inquiry regarding the Complaint. The response was due April 11. Having received no response, on May 9, the Court entered the Order to Show Cause [12], ordering him to show cause, by May 23, why this case should not be dismissed for failure to prosecute and obey an Order [9] of the Court. When Bosworth still failed to respond, the Court entered the Second Order to Show Cause [14], on June 6, giving him one last chance to do so.

All Orders [9, 12, 14] were mailed to Bosworth's address of record but were returned as undeliverable. To date he has not responded, provided a change of address, or otherwise contacted the Court. The Court has warned Bosworth that failure to comply, including keeping the Court apprised of his address, may result in this case being dismissed. (2d Order to Show Cause at 1-2); (1st Order to Show

Cause at 1); (Order Den. Counsel and Requiring Pl. to Respond [9] at 3); (Order Setting Payment Schedule [8] at 3); (Order [3] at 2). It is apparent from Bosworth's failure to comply that he lacks interest in pursuing this claim.

The Court has the authority to dismiss an action for the plaintiff's failure to prosecute or to obey a Court order under Rule 41(b) of the Federal Rules of Civil Procedure and under the Court's inherent authority to dismiss the action *sua sponte*. *Link v. Wabash R.R.*, 370 U.S. 626, 630-31 (1962). The Court must be able to clear its calendars of cases that remain dormant because of the inaction or dilatoriness of the parties seeking relief, so as to achieve the orderly and expeditious disposition of cases. Such a sanction is necessary in order to prevent undue delays in the disposition of pending cases and to avoid congestion in the calendars of the Court. *Id.* at 629-30. Since Defendants have never been called upon to respond to the Complaint nor appeared in this action, and since the Court has not considered the merits of the claims, the case is dismissed without prejudice.

IT IS THEREFORE ORDERED AND ADJUDGED that, for the reasons stated above, this case should be and is hereby **DISMISSED WITHOUT PREJUDICE** for failure to prosecute and obey the Court's Orders. A separate final judgment will be entered pursuant to Federal Rule of Civil Procedure 58.

SO ORDERED AND ADJUDGED this the 15th day of July, 2019.

s/ *Louis Guirola, Jr.*

LOUIS GUIROLA, JR.
UNITED STATES DISTRICT JUDGE